STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1761   By: Ranson

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011,
Section 10-106, which relates to student attendance;
requiring adoption of student attendance policy for
students completing instructional activities; listing
provisions to include in the policy; defining term;
directing withdrawal for truancy if certain criteria
is not met; providing for notification of truancy;
mandating counting of students for school funding
purposes; authorizing rule promulgation or policy
adoption; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1.   AMENDATORY   70 O.S. 2011, Section 10-106, is

amended to read as follows:

Section 10-106. A. It shall be the duty of the principal or

head teacher of each public, private or other school in the State of

Oklahoma to keep a full and complete record of the attendance of all

children at such school and to notify the attendance officer of the

district in which such school is located of the absence of such

children from the school together with the causes thereof, if known;

and it shall be the duty of any parent, guardian or other person

having charge of any child of compulsory attendance age to notify

the child's teacher concerning the cause of any absences of such

child. It shall be the duty of the principal or head teacher to

notify the parent, guardian or responsible person of the absence of

the child for any part of the school day, unless the parent,

guardian or other responsible person notifies the principal or head

teacher of such absence. Such attendance officer and teacher shall

be required to report to the school health officer all absences on

account of illness with such information respecting the same as may

be available by report or investigation; and the attendance officer

shall, if justified by the circumstances, promptly give to the

parent, guardian or custodian of any child who has not complied with

the provisions of this article oral and documented or written

warning to the last-known address of such person that the attendance

of such child is required at some public, private or other school as

herein provided. If within five (5) days after the warning has been

received, the parent, guardian or custodian of such child does not

comply with the provisions of this article, then such attendance

officer shall make complaint against the parent, guardian or

custodian of such child in a court of competent jurisdiction for

such violation, which violation shall be a misdemeanor. ~~If~~ Except

as provided in subsection B of this section, if a child is absent

without valid excuse four (4) or more days or parts of days within a

four-week period or is absent without valid excuse for ten (10) or

more days or parts of days within a semester, the attendance officer

1 shall notify the parent, guardian or custodian of the child and

2 immediately report such absences to the district attorney in the

3 county wherein the school is located for juvenile proceedings

4 pursuant to Title 10A of the Oklahoma Statutes.

5   B. Beginning with the 2023-2024 school year, the board of

6 education of a school district shall adopt an attendance policy

7 which reflects the ability of students who are enrolled in the

8 school district to complete instructional activities while not

9 attending school in person. The attendance policy shall include the

10 following provisions:

11   1. The first date of attendance and membership shall be the

12 first date the student either attends school in person or completes

13 an instructional activity;

14   2. A student who attends school shall be considered in

15 attendance for a quarter if the student:

16   a. completes instructional activities on no less than

17   ninety percent (90%) of the days within the quarter,

18   b. is on pace for on-time completion of the course as

19   defined by the board of education, or

20   c. completes no less than seventy-two instructional

21   activities within the quarter of the academic year;

22   and

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1   3. For a student who does not meet any of the criteria set

2 forth in paragraph 1 or 2 of this subsection, the amount of

3 attendance recorded shall be the greater of:

4   a. the number of school days during which the student

5   completed the instructional activities during the

6   quarter,

7   b. the number of school days proportional to the

8   percentage of the course that has been completed, or

9   c. the number of school days proportional to the

10   percentage of the required minimum number of completed

11   instructional activities during the quarter.

12   C. For the purposes of this section, "instructional activities"

13 shall include instructional meetings with a teacher, completed

14 assignments that are used to record a grade for a student that is

15 factored into the student's grade for the semester during which the

16 assignment is completed, testing and school-sanctioned field trips.

17   D. Any student who is behind pace and does not complete an

18 instructional activity for a period of fifteen (15) school days

19 shall be withdrawn for truancy. The school shall submit a

20 notification to the parent or legal guardian of a student who has

21 been withdrawn for truancy or is approaching truancy.

22   E. Students who attend school in accordance with the attendance

23 policy adopted by the board of education as provided in subsection B

24 of this section shall be counted in the legal average daily

1 attendance of the school district as established in Section 10-103.1

2 of this title and the average daily attendance and average daily

3 membership as both are defined in Section 18-107 of this title.

4   F. The State Department of Education may promulgate rules or

5 adopt policies to implement the provisions of this section.

6   SECTION 2. This act shall become effective November 1, 2021.

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8   58-1-6189   EK   01/19/21